2014011793 ORDINANCE $34.00
04/02/2014 08:21:49A 12 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 14-02

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10, ORDINANCE 13-03, ORDINANCE 13-06, ORDINANCE 13-08 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1402-PUD-03), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006 , and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (vii) Ordinance 12-10, enacted by the City Council on April 9, 2012; (viii) Ordinance 13-03, enacted by the City Council on February 11, 2013; (ix) Ordinance 13-06, enacted by the City Council on March 11, 2013; and (x) Ordinance 13-08, enacted by the City Council on March 25, 2013 (collectively, the "Bridgewater PUD Ordinance")

WHEREAS, on February 18, 2014 the Commission took action to forward Docket Number 1402-PUD-03 to the Westfield City Council with a Favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on February 19, 2014 the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE BRIDGEWATER PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The Bridgewater PUD Ordinance is hereby amended, but only with respect to (i) the standards applicable to an Assisted Living Facility use constructed on the real estate established in what is attached hereto and incorporated herein by reference as Exhibit "A" and (ii) the real estate described in what is attached hereto and

COPY

incorporated herein by reference as Exhibit "B" (the "Real Estate"). In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance 14-02 was fully passed by members of the Council this __ day of _____, 2014. Further, this Ordinance 14-02 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance14-02 are hereby amended. To the extent that this Ordinance 14-02 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 14-02 shall prevail.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 24 DAY OF Feb, 2014.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	Voting Against	Abstain
Jim Ake	Jim Ake	Jim Ake
Chuck Lehman	Chuck Lehman	Chuck Lehman
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

Signed

I hereby certify that ORDINANCE No. 14-02 was delivered to the Mayor of Westfield on the 25 day of Feb, 2014, at 9:30A m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-02

This 25 day of Feb, 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-02

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

Bridgewater - Justus AL - TA Ordinance 021014 b

EXHIBIT "A"

The below terms, conditions, and provisions shall apply only to the use and development of the Real Estate as an Assisted Living Facility:

A. Area Y - Aggregate Maximum Square Footage and Parcel Coverage set forth in Section 10.G.(1) of the Bridgewater PUD Ordinance:

1. The total building square footage of two-hundred and eighty-three thousand five hundred (283,500) shall be added to the maximum permitted building square footage resulting in a maximum building square footage of nine-hundred and eighty-four thousand five hundred (984,500).

2. The total building footprint of ninety-eight thousand (98,000) shall be added to the maximum parcel coverage resulting in a maximum parcel coverage of six-hundred and thirty-three thousand (633,000).

B. Minimum Open/Green Space Area: Fifty percent (50%).

C. Minimum lot area: Not applicable.

D. Minimum lot width at building line: Not applicable.

E. Minimum lot depth: Not applicable.

F. Yard Dimensions (minimum):

1. Five (5) foot front yard along Internal Streets Market Center Drive and Radrick Drive).

2. Seventy (70) feet from 151st Street.

3. Thirty (30) feet from Gray Road.

4. Side Yard: Not applicable.

5. Rear Yard: Not applicable.

G. Maximum building height: Forty (40) feet.

H. Maximum building footprint coverage: Not applicable.

I. Loading and off-street parking: Screening is required as set forth under the applicable landscape standards.

J. Owner or Tenant Occupied Space: In addition to the requirements of Section 10.G.(7) of the Bridgewater PUD Ordinance, one single tenant or owner occupied space in Area Y is permitted up to two-hundred, eighty-three thousand, five-hundred (283,500) square feet.

K. Parking: One and one-half (1.5) parking spaces per dwelling are required. Tandem Parking Spaces adjacent to individual garages shall meet this requirement provided that both the garage and tandem space are dedicated to the same tenant.

L. Lighting: A system of pole lights and wall mounted lighting fixtures shall be installed to provide an adequate standard of illumination over the site. The style, design and illumination of site lighting shall be installed per the approved Development Plan for the Assisted Living development on the Real Estate.

M. Landscaping Requirements: Section 11 of the Bridgewater PUD Ordinance shall apply to landscaping on the Real Estate subject to the application of the "Business Uses" land use type of the "Minimum On-Site Requirements" of Exhibit 18 – Landscaping Requirements of the Bridgewater PUD Ordinance.

N. Signage: Section 14 – Signage of the Bridgewater PUD shall be applicable to all signs on the Real Estate. A Residential Complex Sign meeting the standards of Section 14.D.(2)(a) of the Bridgewater PUD Ordinance may be placed at the northwest corner of Radrick Drive and Gray Road. This sign may include the names of the apartment use on Parcel K2 and the assisted living use on the Real Estate.

O. Architectural Standards, Open space and Pedestrian Circulation: Exhibit 17 – General Architectural Standards of the Bridgewater PUD shall be applicable to the Real Estate. Building Elevations shall be constructed in substantial compliance with the exhibits contained in the architectural character illustrations included in Exhibit "D" of this Ordinance ("Architectural Style").

1. Design detailing shall be continued completely around the structure consistent with the Architectural Style. Detailing elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials and shall be consistent with the Architectural Style.

2. Permitted exterior materials shall include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber siding. Aluminum and vinyl siding are prohibited. Metal garage doors and vinyl clad windows and soffits shall be permitted.

3. Brick or stone shall be used on all elevations of each building as appropriate to the building Architectural Style.

4. All structures shall utilize a minimum of two (2) exterior building materials (excluding window, door, and roofing materials) per elevation. Examples of materials: Brick, stone, concrete fiber siding.

P. Required Amenities: The following Amenities will be distributed throughout the Real Estate, for use by residents of the Real Estate:

1. Amphitheater.

2. Gazebo

3. Aquatic Center.

4. Integrated trail and sidewalk system to be installed in substantial compliance with the Concept Plan attached hereto and incorporated herein as Exhibit "C".

5. The timing for the completion of the amenities including trails, paths and sidewalks will be in phases as the development is completed.

Q. Development Plan: The Real Estate shall be developed in substantial compliance with the Concept Plan attached hereto and incorporated herein as Exhibit "C".

EXHIBIT "B"
Page 1 of 2

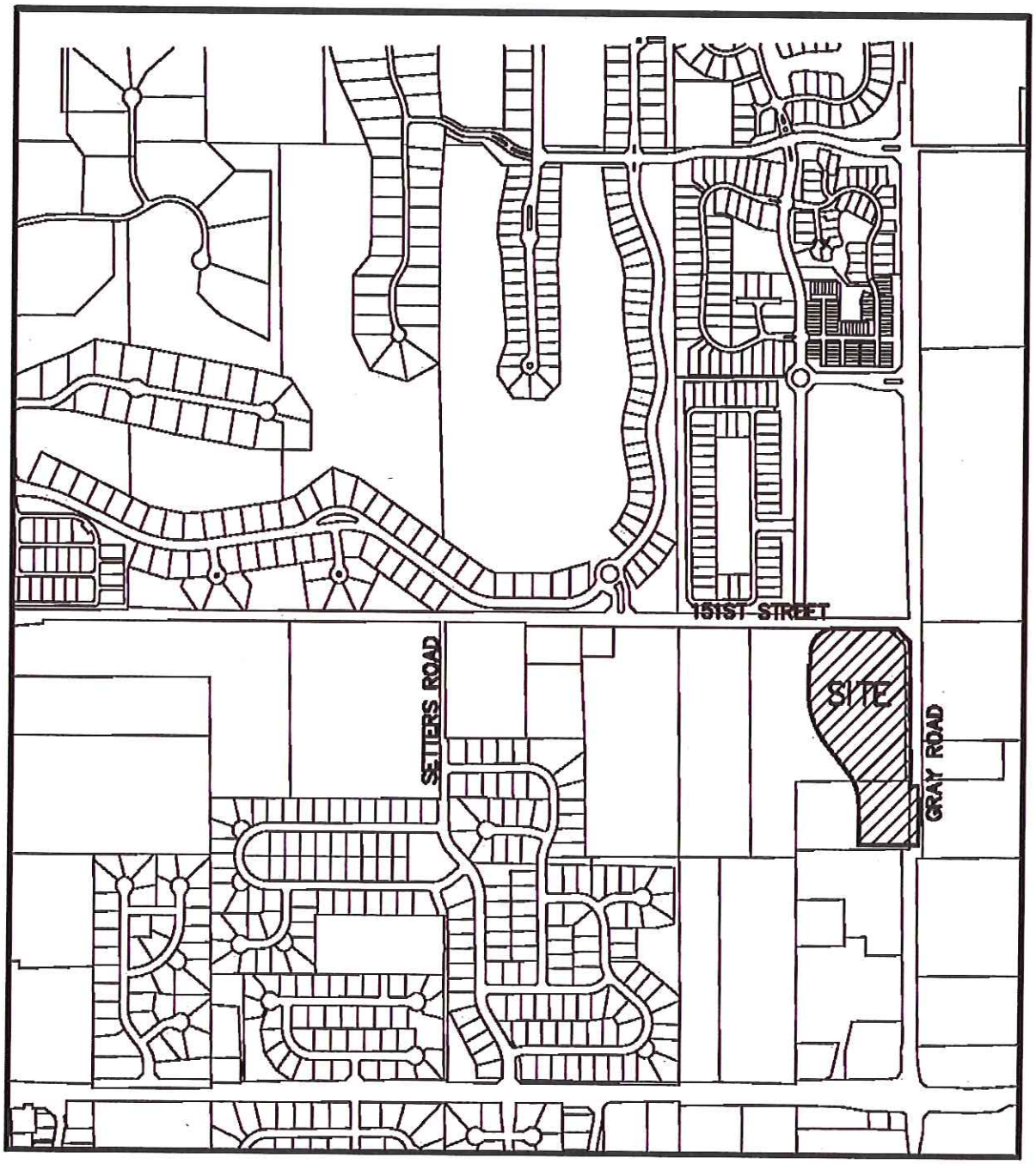
(Legal Description)

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Lot 2 and Lot 3 of Bridgewater Marketplace, Section 3 Recorded as Instrument No. 2013-048576, Plat Cabinet 5, Slide 108 in the office of the Recorder of Hamilton County, Indiana.

EXHIBIT "B"
Page 2 of 2

(Legal Description)



LOCATION MAP
N.T.S.

EXHIBIT "C"

(Concept Plan - Color)

EXHIBIT "C"

(Concept Plan – Black and White)

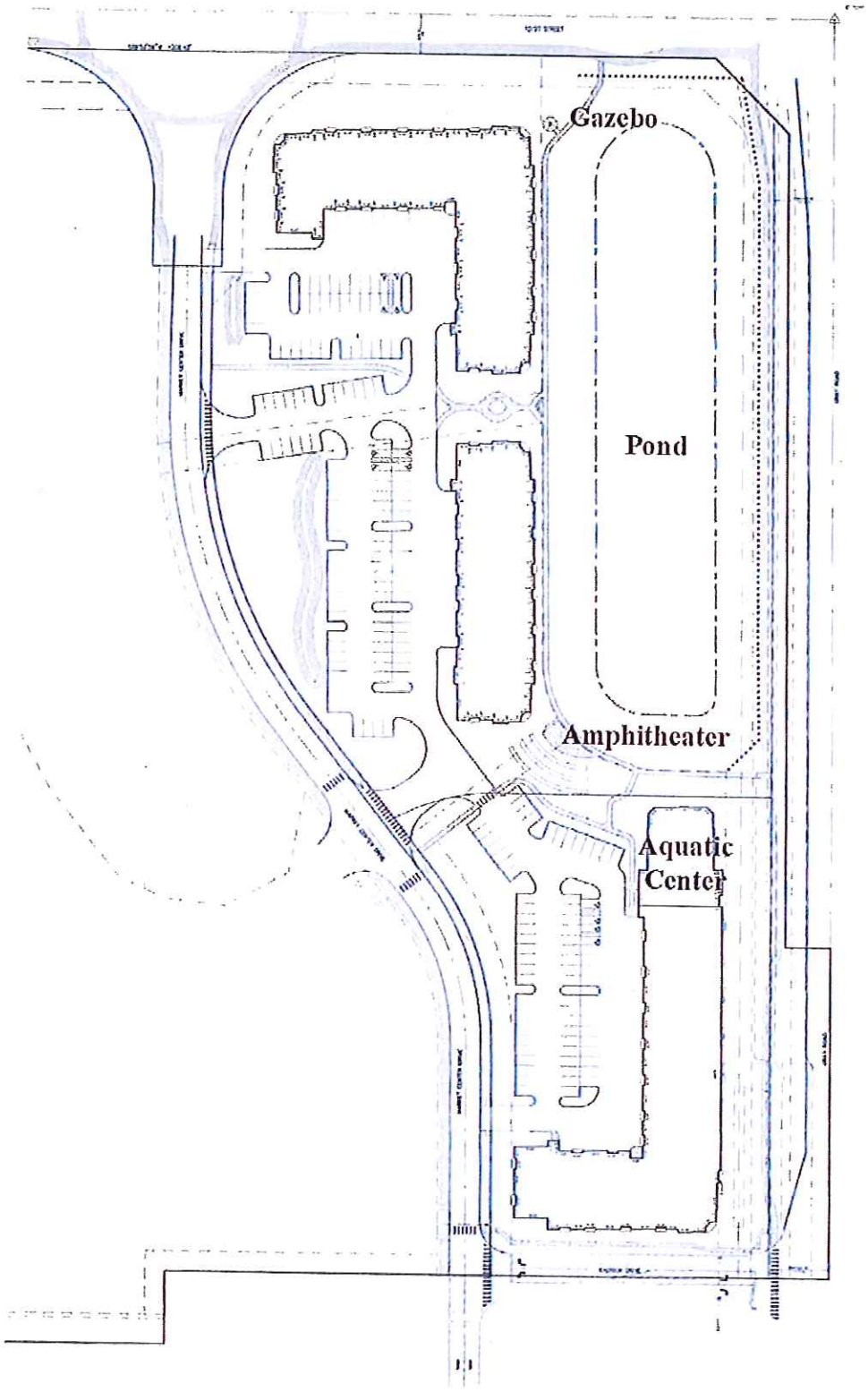


EXHIBIT "D"

(Building Perspectives)